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5 **Shadow Counsel for Defendant**

6 IN THE UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA

8 United States of America, ) Case No. CR 08-0814-PHX-DGC  
9 Plaintiff, )  
10 vs. ) MOTION TO CONTINUE TRIAL  
11 Daniel David Rigmaiden, ) (22nd Request)  
12 Defendant. )  
13 \_\_\_\_\_ )

14 COMES NOW the Defendant, Daniel David Rigmaiden, by and  
15 through his undersigned shadow counsel, and respectfully moves to  
16 continue the trial (22<sup>nd</sup> request) in this matter presently set for  
17 the 13<sup>th</sup> day of July, 2013, for a period of ninety (90) days and  
18 extend the deadline for pretrial motions an equal amount of time.  
19 The defendant also requests that the status conference set for  
20 August 29, 2013 be continued for forty-five (45) days from that  
21 date.

22 The parties are still conferring on the matters that the  
23 Court wishes to discuss at the next status conference. The  
24 parties are also attempting to resolve the seized data deletion  
25 issue. Additionally, the defendant is still waiting for his  
26 defense to begin interviewing trial witnesses from the defendant's  
27 list of names and explanations of relevance. Witnesses need to be  
28 interviewed before the defendant can prepare a firm trial defense.

1 The government has no objection to this request.

2 For the reasons stated above, a continuance of at least  
3 ninety (90) days is requested.

4 Defendant also requests that the Court extend the  
5 deadline for filing pretrial motions an equivalent amount of time.

6 Failure to grant the requested continuance would deny  
7 the Defendant the reasonable time necessary for effective  
8 preparation, taking into account the exercise of due diligence (18  
9 U.S.C. § 3161(h)(8)(B)(iv)). Further, excludable delay is  
10 necessitated due to the existence of novel questions of fact and  
11 law and additional time is necessary for adequate preparation for  
12 pretrial proceedings and for the trial itself (18 U.S.C. §  
13 3161(h)(7)(B)(ii)).

14 This Motion is filed pursuant to Defendant's request and  
15 with his authorization.

16 Excludable delay under 18 U.S.C. § 3161(h)(7) will occur  
17 as a result of this Motion or from an Order based thereon.

18 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of June, 2012.

19 PHILIP A. SELOW, ESQ.

20  
21 By: s/Philip A. Seplow  
22 Philip A. Seplow, Esq.  
23 Attorney for Defendant  
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